

REMARKS

Claims 1-3, 6-9, 18, 19, 21 and 22 are pending. Claim 1 has been amended. No new matter has been presented.

Claim 1 is objected for typographical errors. The claim has been amended, and withdrawal of this objection is respectfully requested.

Claims 1-2, 6-8, 18 and 21-22 stand rejected under 35 USC 103(a) as being unpatentable over Kazumasa, JP2002-0264560, in view of Ohkubo, U.S. Patent Publication No. 2002/0126723. Claims 1 and 9 stand rejected under 35 USC 103(a) as being unpatentable over Kiyohisa, UP09-326526, in view of Ohkubo. Claims 3 and 19 stand rejected under 35 USC 103(a) as being unpatentable over Kazumasa and Ohkubo in view of Ueno, EP 0437243 A2. These rejections are respectfully traversed.

The Examiner relies on Ohkubo to supplement both the Kazumasa and Kiyohisa references since neither of these references teach impurity atoms having the second conductivity type to be found in the second clad layer in the inner area or the end face of the active layer, where the II-group atoms have an atomic number less than that of P. Applicants respectfully disagree. Ohkubo does not specifically state that Be atoms are diffused in a portion of the active layer near a laser resonator end face.

Further, claim 1 has been amended to recite that the II-group atoms that have an atomic number smaller than the atomic number of P are not contained in the portion of the active layer in the laser resonator inner area. Ohkubo actually teaches away from this feature, and thus the combination of Ohkubo and Kazumasa or Kiyohisa would not teach or suggest the features of claim 1.

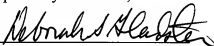
The remaining claims are allowable at least due to their respective dependencies. Applicants request that all outstanding rejections and objections be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552031400.

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Respectfully submitted,

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